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DEPARTMENT FOR EUR (DICARLO), EUR/SCE (STINCHCOMB, FAGAN,
HOH), S/WCI (WILLIAMSON/LAVINE/DINICOLA); NSC FOR BRAUN;
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SUBJECT: STATE COURT ACQUITS SERB WARTIME MINISTER OF WAR
CRIMES

REF: 06 SARAJEVO 2725

Classified By: Political Counselor Michael J. Murphy. Reason 1.4 (b) and (d).

11. (U) On July 18 the BiH State Court acquitted Momcilo Mandic on charges of committing crimes against humanity and war crimes against civilians during the 1992-95 conflict. The war crimes case against Mandic cited his role as Assistant Minister of Interior in the "Serb Republic of Bosnia" in 1992, and alleged his involvement in an attack and ethnic purge of the Serb Republic's Ministry of Interior Training Center. The Court ruled that as Ministry of Interior employees, the victims did not have civilian status, thereby invalidating the war crimes charge. The crimes against humanity charge alleged that Mandic, as the Serb Republic's Justice Minister in 1993, bore responsibility for the physical abuse and murder of inmates in Ilidza, Vogosca and Foca prisons during that time. The judges found there was insufficient evidence to establish a direct link between Mandic and the specific incidents. The prosecutor has the option to appeal these decisions.

12. (U) Mandic, who has been in custody since August 2005, remains in prison. On October 27, the BiH Court section for Organized Crime, Economic Crime and Corruption sentenced him to nine years in prison for violating RS banking laws while he was Director of Privredna Banka Srpsko Sarajevo from 1998-2002 by illegally transferring depositors' funds to political party accounts, thus bankrupting Privredna Banka (REFTEL). That sentence was subsequently reduced to five years on appeal.

13. (C) Comment: Based on the uncharacteristically nonchalant "win some, lose some" attitude in the prosecutor's office this afternoon, we suspect that political pressure, rather than a passion for justice, was the main motivating factor behind bringing what turned out to be a fairly weak case against Mandic. On the positive side, Mandic's lawyer and RS-based press outlets are characterizing the verdict as a welcome demonstration that Bosnian Serb defendants can receive a fair and impartial trial before the State Court. However, because war crimes trials are a zero-sum game in Bosnia's ethnic-based politics, the net effect of today's verdict is likely to be more public cynicism, particularly among Bosniaks, as to the War Crimes Chamber's effectiveness.
MCELHANEY